

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Fredrick Maurice McCoy,

Plaintiff,

vs.

Berkeley County Clerk of Court,

Defendant.

C/A No. 8:17-cv-3323-JFA

ORDER

Fredrick Maurice McCoy (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights by the Berkeley County Clerk of Court (ECF No. 29). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review.

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss this action with prejudice and without issuance and service of process because Plaintiff failed to name a defendant amendable to suit under § 1983. (ECF No. 55). The Magistrate Judge further opines that Plaintiff also fails to allege any specific facts against Defendant that would subject Defendant to liability under § 1983.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

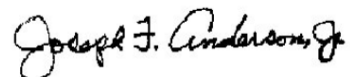
Id. at n.5. The Magistrate Judge explains that Plaintiff has had multiple opportunities to amend his complaint to cure the deficiencies contained therein by naming a proper Defendant. *Id.* Further, Plaintiff was warned that failure to file a second amended complaint that corrects the deficiencies may result in this action being recommended for summary dismissal, with prejudice, pursuant to 28 U.S.C. § 1915 and § 1915A. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on September 21, 2018. (ECF No. 55). The Magistrate Judge required Plaintiff to file objections by October 5, 2018. *Id.* However, Plaintiff did not file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court **adopts** the Report and Recommendation (ECF No. 55). Thus, Plaintiff's amended complaint (ECF No. 29) is **dismissed** with prejudice and without issuance and service of process.

IT IS SO ORDERED.

May 20, 2019
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge